



## Gerald Harris

In December 1991, two victims were approached by three men with guns who robbed them in Queens, New York. A fourth man was waiting in a getaway car. Gerald Harris was arrested a month later after he was seen riding in a car that resembled the getaway car. Both victims identified Harris in a lineup. In November 1992, a jury convicted Harris of armed robbery. Before sentencing, Harris's brother, who resembled him, tried to confess in court that he was the actual robber, but was prevented from doing so at that time because the district attorney wasn't present. Harris's brother left for South Carolina without making a public confession, and Harris was sentenced to 9 to 18 years in prison.

Harris's former boxing trainer was convinced of his innocence and his advocacy led to the reopening of Harris's case. Harris's brother eventually did confess to the authorities, and the others involved in the robbery confirmed that Harris had nothing to do with it. The district attorney supported Harris's motion to vacate his conviction, and then dismissed the charges in December 2000.

- *Stephanie Denzel*

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**State:** New York

**County:** Queens

**Most Serious Crime:** Robbery

**Additional Convictions:**

**Reported Crime Date:** 1991

**Convicted:** 1992

**Exonerated:** 2000

**Sentence:** 9 to 18 years

**Race:** Black

**Sex:** Male

**Age:** 23

**Contributing Factors:** Mistaken Witness ID

**Did DNA evidence contribute to the exoneration?**  
No



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The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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Notes from Innocent: Inside Wrongful Conviction Cases, by Scott Christianson  
pages 46-48

[http://books.google.com/books?hl=en&lr=&id=WWpYgZP-9zUC&oi=fnd&pg=PR7&dq=polygraph+%22wrongful+conviction%22&ots=FuL\\_ywFQFM&sig=WKJ1wccryI8Tbbs\\_zOoXEoTsLDI#v=onepage&q=polygraph%20&f=false](http://books.google.com/books?hl=en&lr=&id=WWpYgZP-9zUC&oi=fnd&pg=PR7&dq=polygraph+%22wrongful+conviction%22&ots=FuL_ywFQFM&sig=WKJ1wccryI8Tbbs_zOoXEoTsLDI#v=onepage&q=polygraph%20&f=false)

(searching Google Scholar for polygraph and “wrongful conviction”

Professor William Hellerstein at Brooklyn Law School, arranged for polygraph for Gerald Harris and he passed. Queens County DA cooperated. Harris’s brother admitted his involvement, and not Gerald.

December 15, 2000

STATEMENT OF QUEENS DISTRICT ATTORNEY RICHARD A. BROWN

In November 1992 Gerald Harris was convicted of robbery following a jury trial before Supreme Court Justice Randall Eng. The defendant, who is now 32 years old, was sentenced to nine to eighteen years in prison.

The robbery took place on December 18, 1991 at about 11:00 p.m. inside the garage of a private home in Jamaica Estates. The defendant was found guilty of stealing cash, jewelry and a coat from the residents.

Based on information presented to this office by defense counsel, we re-opened the matter and consented to a hearing at which the defendant's brother and two other men testified that the defendant did not participate in the robbery.

Today the Court vacated the judgment of conviction and freed Mr. Harris. It is a decision in which, after a full and complete investigation of all of the facts and circumstances surrounding the defendant's arrest and conviction, including the administration of a polygraph examination, I concur.